City of Lafayette
City Council Special Meeting
Crime Prevention Special Meeting

MINUTES

Lafayette Community Center -- Sequoia Room **June 9, 2008**
500 St. Mary's Road, Lafayette, California **6:30 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Crime Prevention Commission: Co-Chair Suzanne Jones, Co-Chair Traci Reilly, Larry Bellusa (absent), Rita Charles, Kim Tejada, Thomas Titmus, Edward Valencia (arrived late)

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Mala Subramanian, City Attorney; Lt Mike Hubbard, Police Services Manager, Cathy Surges-Moscato Community Services Officer, Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Federighi/Andersson) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

4. PUBLIC COMMENTS – None

5. STAFF REPORT

A. Crime Prevention Commission
Accomplishments for 2007/2008 and Goals for 2008/2009
Recommendation: Receive and file.

Traci Reilly, Co-Chair introduced members present: Suzanne Jones, Co-Chair; Kim Tejada; Thomas Titmus; and Rita Charles.

Kim Tejada presented a Business Watch brochure and discussed ways in which the Commission acts as a liaison between businesses and the Police Department. She said police review with businesses how they can protect themselves from crime through techniques and safeguards, training programs for their employees on how to identify criminal behaviors, how far to go to pursue criminal behavior, and said anything they offer goes through approval of the Police Department. However, some members of the Commission are law enforcement officers and have the ability to provide valuable information to business owners.

Mayor Anderson confirmed with Ms. Tejada that the Police Services Officer has discussed this with the Chamber of Commerce, contacted all businesses, provided the brochure, but no meetings have been requested to date. Ms. Tejada agreed, discussed possible reasons for the lack of contact and thanked the Chamber of Commerce and Minute-Man Press for paying for the cost to produce the brochure. She said there are upcoming meetings regarding the roadway closures, this was a great opportunity for the Commission to be available to discuss crime prevention, and they may choose to conduct more proactive outreach.

Vice Mayor Tatzin questioned if businesses' insurance rates are reduced if they participate in such a program. Ms. Tejada said she was not sure and could follow-up. Mayor Anderson suggested the Commission attend a Chamber Board meeting and providing some brief training in order to drum up interest and relay the value of their services.

Ms. Tejada said Larry Bellusa, who could not attend this meeting, prepared the entire presentation and was going to report on some of the work relating to child I.D. The Commission continues to do child I.D. at the Art & Wine Festival, and thanks to Chief Hubbard they have brought in DNA kits. They also joined up with events at the Oakland Athletic Club in their Child Safety Fair, provided information about 800 children in the last year through fingerprinting, reported that there were 450,000 child runaways last year where the information kit becomes very helpful and said they also work a lot with the schools each year.

Suzanne Jones, Co-Chair, said they had a joint meeting with the Emergency Preparedness Commission and found they have the same problem as they do--they set up an emergency preparedness group within a community in a neighborhood similar to the neighborhood watch and once the emergency is done, people's interests wane. She said there are a few groups who are active and they will continue to meet in the fall.

Vice Mayor Tatzin questioned if there were communities that have successful neighborhood watch programs for a large portion of their community, and if so, what is it that they do to keep them active. Ms. Jones said she was not sure, but noted Mei Sun's neighborhood is active. Some of the neighborhoods have indicated they do better if the neighborhood is broken down in smaller groups. Councilmember Federighi believed what also has helped is holding events throughout the year to promote socialization.

Ms. Reilly referred to the Commercial Peddler's Ordinance the Commission has been working on, and said there has been a lot of progress to help residents and local police address the issue. The Commission, the City Attorney's Office and Police Department are coming to an equitable solution to help in the issue of aggressive commercial peddlers who get dropped off in the city without proper permits or supervision.

She reported that currently, a peddler would need to go to the County offices in Martinez to obtain a permit which can take up to three weeks, and it can be cumbersome and time-consuming. Because of this, if they were going to increase the penalty for a person soliciting without a permit, the City felt it was more equitable to have something easier for them to attain.

She said the Police Department would first do a name search of the peddler and if Contra Costa County had any contact with the individual, it would register. They would also do a warrants check and would require peddlers to have a current photo I.D. No Department of Justice criminal background check or fingerprinting would be done due to cost and timing. The Police Department would issue a picture I.D. that same day and give it to the commercial peddler to allow them to start their work.

In addition to getting the picture I.D., peddlers would also receive a contract of requirements to stay in good standing if they want to continue. One rule that is very clear is that if a person peddles in Lafayette and does not adhere to the "no solicitation" sign posted at someone's door, it would be grounds for terminating their permit. If a peddler is caught without a permit, the first offense would be an infraction and thereafter, revocation of the permit, up to a misdemeanor charge.

Ms. Reilly said the ordinance has been drafted but there are some corrections which need to be made. The Commission will review it at their next meeting and fine-tune many points and then forward it to the Council in the near future.

Vice Mayor Tatzin questioned what State law suggests that such an ordinance or permit process is legal. City Attorney Subramanian said there is case law that does allow it for commercial sales. She said the ordinance would not apply to everyone who was going door-to-door, and it is purely on a commercial level. She said the draft ordinance complies with case law but will be fine-tuned. Ms. Reilly said the ordinance provides notification to police that solicitors are in town and be aware in case they receive telephone calls.

Mayor Anderson thanked the Commission and believed all of the work would be very valuable to the community.

6. ADJOURNMENT

ACTION: It was M/S/C (Federighi/Tatzin) to adjourn the meeting at 6:57 p.m. to the Regular City Council meeting. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

APPROVED:

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Mike Anderson, Mayor

ATTEST:

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Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Regular Meeting

MINUTES

Lafayette Community Center – Manzanita Room **June 9, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Jennifer Russell, Parks, Trails & Recreation Director; Mala Subramanian, City Attorney; Tony Coe; Engineering Services Manager; Ron Lefler, Public Works Services Manager; Gonzalo Silva, Financial Services Manager: Lt Mike Hubbard, Police Services Manager; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

5. REPORT FROM CLOSED SESSION - None

6. PUBLIC COMMENTS

LYNN HIDEN said the Lafayette Homeowners Council recently discovered that the most recent earthquake hazard map dated 1998 presented by GPAC and by the Planning Commission and City Council in 2002 with the Draft General Plan update has been omitted from the final approved Lafayette General Plan 2002. She said a 1976 earthquake hazard map was put in its place and said their council would be preparing a letter requesting that the updated map of 1998 be provided also for the Downtown Strategic Plan.

7. **PRESENTATIONS** - None

8. **OLD BUSINESS** - None

9. **STAFF REPORTS**
   A. **Steven Falk, City Manager and Jennifer Russell, Parks, Trails & Recreation Director**
   Community Center Roof Options
   Recommendation: Review options and direct staff.

City Manager Falk said he and Director Russell, working with Councilmember Andersson, prepared a staff report that describes the current state of the rooftop at the Lafayette Community Center. They have outlined four options for consideration as over the last winter the facility had about 7 leaks. The four options vary in cost from $115,000 to $450,000. The staff report is thorough in its detail of the recommendations made by the energy audit, suggesting the roof be insulated. They discussed the option for photovoltaic generators now or in the future and ultimately conclude that each of the rooftops cost about $10,000 per year of life.

He said the Council's decision may, to a large extent result in how the Council reviews the ultimate life of the overall building; if the City will continue to use the buildings over the next 10 years as they are, staff recommends Option 1; if the Council believes the configuration will stay longer for that, either Options 2 through 4 could be considered.

Mr. Falk said staff does not recommend pursuing Option 1 or 4. Option 1 is a band aid solution and Option 4 is significantly more expensive and it is hard to imagine the building will be in the same configuration 45-50 years from now. Therefore, Options 2 or 3 might be more in line with what is reasonably affordable. Both would require expenditure from the General Fund Reserve beyond what has been accumulated in the Sinking Fund. Between the two options, they believe Option 3 is the better choice which would be the asphalt shingle roof and would look more like a suburban type installation. There might also be the option to add some insulation below the shingles for energy efficiency at a cost of $150,000 to $200,000. The bids are estimates, and specifications would need to be done and returned to the City Council with an award of bid.

Councilmember Federighi said both options are more than what is built up in the Sinking Fund for this purpose. The report from WJE states that the 6-7 leaks were repaired and questioned if the roof has a little more life to it. Ms. Russell said from her conversations with roof experts, the seams would start to separate in about two years in several places, but all roofers indicated that the roof was actually pretty healthy and stable.

Councilmember Federighi said she thought there was no significant urgency given drought conditions and felt patching could be done as needed. She confirmed with staff that annual maintenance and gutter cleaning was done.

Councilmember Andersson referred to Option 4 and acknowledged the cost, but said unless there is insulation of windows, walls and update of mechanical systems, it would serve as a band-aid for getting one piece of the building upgraded.

Vice Mayor Tatzin discussed solar and questioned whether or not it was worth installing. Mr. Falk said an asphalt shingle roof or slab roof require penetrations through the

shingles or slabs and these are what results in leaks. A variety of opinions have been received about the efficacy of solar power generation on the roof; there is a broad consensus that the western side of the building is not suitable for solar power because of the shade along St. Mary's Road. The eastern side is relatively unshaded with the exception of the middle of the building. Because the building has a north/south orientation, it is not the ideal orientation for solar. He spoke to 2-3 experts and some say it is not worth the trouble and some say it can be done effectively by placing them on an angle.

Public Comment:

BYRNE MATHISEN questioned if there would be discussion about insulating the roof when changed out.

Mr. Falk said staff had an energy audit conducted for the entire facility that included lights, windows, doors, and roof by HDR Brown Fence and Associates, Inc. They recommended that when replacing the roof, the City should install rigid insulation and a cooling roof material and he read the report; "The roof's performance as a barrier against heat and cold can be improved by adding exterior insulation rigid foam under the roof tiles and a cool roofing material on the outer surface." The consultants estimate that doing so would save 1600 kilowatts in energy and 540 therms of metro gas annually, for an annual cost savings of $1600, which is significant but small compared to the $100,000 to 200,000 worth of work.

MS. MATHISEN said she put the rigid foam in her small house and said it made a significant difference both in heat loss and comfort level. She was at her neighbor's house who did not install the foam and said the difference is unbelievable.

Mr. Falk said the California State Building Code now requires all roofs to have a certain amount of reflectivity, such as beige or lighter colored roofs. He also said Option 2 does not include the insulation. He was not sure whether Option 3 did include the insulation, but if not, it would cost more. Ms. Russell said there is no attic space, there are many windows in the building and therefore, she felt a complete renovation of the building would need to be done in order to see significant energy efficiencies.

Mr. Andersson said if foam insulation was added to the roof, it would not be supported, and a structure would need to be built to hold the actual asphalt, as well. He said if interested, he is familiar with a Lafayette resident who is expert researcher who could assist on relative effects of a reflective roof with or without insulation. He also agreed with Ms. Mathisen's comments about the comfort level and significant change in temperature and thinks the City would spend less overall on energy costs.

Vice Mayor Tatzin said he would tend to lean towards supporting Option 3 next year. Councilmember Federighi believed there were other things besides the roof that needed to be taken into account and agreed with Councilmember Andersson's comments. Councilmember Andersson said by 2028, the City will probably be well past the point of whether all aspects of the building would need to be improved. Mayor Anderson said he was inclined to consider Option 3, but said the budget is very tight this year. He is concerned about the building in general, its efficiency and design.

Mr. Falk referred to page 3 of the proposal and recommended the Council allocate $13,000 from the Community Center Roof Sinking Fund in the upcoming FY 2008/09 and direct the Parks, Trails and Recreation Director this fall or winter to engage a consultant to design an asphalt shingle roof for the building, and then staff will return with a design of the roof and more information.

ACTION: It was M/S/C (Tatzin/Federighi) to direct staff allocate $13,000 from the Parks & Recreation Sinking Fund to engage a qualified consultant to design an asphalt shingle roof to be installed in 2009/2010. Vote 4-0-1 (Anduri absent)

Convene Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Federighi) to convene the Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

B. Lindy Coburn, Associate Planner
DR16-08 Gettler-Ryan Inc (applicant), Chevron Products Corporation (owner), SRB Zoning: Request for demolition approval pursuant to Redevelopment Agency Resolution R2008-03 to demolish the existing Chevron gas station located within the Lafayette Redevelopment Area at 3632 Mt. Diablo Blvd. APN 243-060-018
Recommendation: Adopt Resolution R2008-03 approving DR16-08 subject to conditions.

Associate Planner Lindy Coburn gave the staff report, stating Chevron Products Corporation has made an application for demolition of their existing gas station, which would include a removing the canopy, building, all paving, underground and other work associated with station. They propose to maintain an existing retaining wall, planters and site trees. She described the property's location, stating it is a non-conforming use. She described conforming and non-conforming use definitions, said comments have been received and responded to, a courtesy notice was sent to property owners and the Lafayette Homeowners Council and Chamber of Commerce, and no comments were received at conclusion of the staff report. However, staff received a few inquiries from the public who are more concerned with the discontinuance of the use of the gas station.

She said the station is not a structure of historic significance or of architectural significance, it meets the intent of the redevelopment plan, complies with the General Plan, staff can make the required findings, and recommends the Agency adopt Resolution R2008-03 approving DR16-08 subject to conditions of approval. There are conditions relating to property maintenance, tree retention, repairing any damage in the right-of-way, submittal of a construction management plan, a fence layout design for security and approval from the Contra Costa County Hazardous Materials program. She noted the corporation applicant is present as well as the demolition company representative.

She said staff has been informed this evening that Chevron intends to maintain their use of the property and is in negotiations with the owner, but they would like the option to demolish it. Staff also noted the conditions of approval last one year which allow for a one-year extension by the Zoning Administrator.

Agencymember Andersson said the resolution incorporates a discussion on blight and he asked Ms. Coburn to provide an explanation. Ms. Coburn said should the use terminate, the boarding up of the property would add to the influence of a blight and safety condition. However, in its current condition staff does not consider the property to be blighted.

Vice Chair Tatzin said the soil will be tested and he questioned and confirmed that remediation would be done for any hazardous materials. He questioned if the contamination continued under Mt. Diablo Boulevard, what is the obligation of Chevron to remediate that soil, as well. City Attorney Subramanian said the City/Agency owns Mt. Diablo Boulevard and would require Chevron to also clean up areas of contamination, which Ms. Coburn said could be added as a condition.

Agencymember Andersson said laws governing remediation cover and address this and an added condition need not be added. He questioned how long the station has been in existence, and Ms. Coburn said she believes the station dates back to the early 1980's, but she was not sure.

Applicant, Chevron Products Corporation, said Chevron would like to clarify that they are negotiating with the landowner to renegotiate a new lease. They are positive about a successful outcome and in doing so, must plan for demolition which is a legal requirement.

Agencymember Andersson questioned the applicant as to the age of the building, and the applicant said she did not know and could also determine whether the soil near the underground tanks had been tested.

Libby McKenzie, President, Gettler-Ryan Inc., said they are the contractor for the project and are required by Contra Costa Environmental Health Department to test the soil.

Vice Chair Tatzin said if Chevron is in negotiations with the current landowner to try and remove any leaks, he questioned the reason for the Agency's action. The applicant said they like to plan for all outcomes at the same time so that if they are required to demolish the site, they will be able to do this in a timely fashion. The permit is good for 3 months to a year and they can then renew it after one year.

Public Comments:

GEORGE BURTT said many residents have contacted Chevron to support them staying in town, said the station is used frequently, they find it to be fairly priced and clean, and would hate to see it go away. However, it is seldom that someone files for a demolition permit without an application behind it; to his knowledge there is no policy and there should be one in the City for all future demolitions. He appreciates the noticing of the item to residents within 300 feet, but when they asked the station's management for a copy of the notice, the Chevron employee said they knew nothing about it. Therefore, they would like notice of future demolitions and that applicants be required to post it on their business. He also said the application and staff report before the Agency is in error, as the correct property owner was misrepresented on the application. He also asked for an economic impact analysis so residents can understand that if the station closes how much sales tax will be lost to the City and requested delaying the item 30 days to address all comments.

BYRNE MATHISEN referred to the use of the property, discussed its previous unsuccessful attempts at retail and office, and asked for it to be maintained as a gas station.

Chair Anderson confirmed that any type of demolition application comes to the Redevelopment Agency and in this case, the Agency is reviewing whether the building is historic or not, if it is something appropriate in the RDA Plan, and he confirmed with Ms. Coburn that the findings seem to have been met to proceed.

Executive Director Falk referred to Mr. Burtt's comments and said most Redevelopment Agencies do not have such provisions; it was something the Board added 2-3 years ago specifically so issues of demolition would be flagged and made public.

Agencymember Andersson questioned who the owner of the property is, and how was noticing conducted. Ms. Coburn said the request submitted shows Chevron Products Corporation as the property owner; however, it seems this was misrepresented in the application. Vice Chair Tatzin questioned and confirmed with Ms. Coburn that her recommendation would not have been any different based on their ability to meet the required findings. Vice Chair Tatzin said while unfortunate, he did not believe it was germane to the recommendation and said there was nothing to prevent Chevron from stopping service station operations tomorrow morning.

Agencymember Federighi believed it was a needed use in the downtown area and supported the request. Mayor Anderson did not feel there was any basis to require someone to provide economic analysis in this case, but he confirmed with staff that better posting be done to make people more aware of what is going on with the demolition.

ACTION: It was M/S/C (Federighi/Tatzin) to adopt Resolution R2008-03 approving Application DR16-8 to demolish the existing Chevron gas station located within the Lafayette Redevelopment Area at 3632 Mt. Diablo Blvd, APN 243-060-018, subject to conditions, with the request for staff to check and determine whether soil remediation is covered in their off-site resolution, and also that the owner be noted and identified correctly. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

Convene joint City Council & Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Federighi) to convene simultaneously with the City Council and Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

10. PUBLIC HEARINGS

A. Tracy Robinson, Administrative Services Director
Conduct public hearing on the Proposed Budget and Workplan for FY2008-2009; the Proposed Redevelopment Agency Budget and Workplan for FY2008-2009, and the Capital Improvement Program & Tentative Project List for 2010-2014.
Recommendation: Conduct public hearings and adopt Resolution 2008-27 Adopting the Proposed Budget and Workplan for FY2008-2009; Adopt

Resolution R2008-02 Adopting the Proposed Redevelopment Agency Budget and Workplan for FY2008-2009; and Adopt Resolution 2008-29 Adopting the Capital Improvement Program and Tentative Project Lists for 2010-2014, and approve expenditure plan for Lafayette's share of Proposition 1B Funds.

Administrative Services Director Tracy Robinson said the City Council held a Budget Workshop on May 27th where the budget was reviewed in detail. Before the Council/Agency tonight are the resolutions approving the budget for both the City and Redevelopment Agency. There is only one change to the proposed budget. As directed, staff changed the Senior Services budget such that rather than 30 hours of a part-time regular benefited position, staff put in 49 hours of temporary personnel. The net result is an addition of $7,045 to the Senior Services budget.

At the workshop there was also discussion regarding the two van option for Senior Transportation; however, there will not be any vans for lease from the County this year, so this point is mute. Other than this, there are no other changes to the budget as it was submitted at the workshop, and she said she was available for questions.

Vice Mayor Tatzin said based on an earlier discussion with Mei Li, a set-aside $10,000 for the City to fund the two vans. Ms. Robinson clarified that the budget for Community Center maintenance actually includes $115,000 that had been released from the Sinking Fund and budgeted, so staff will release $13,000. Therefore, she confirmed the amount would be increased from the Sinking Fund to $20,000 and reverse the amount back to the Sinking Fund.

Mayor Anderson opened the public hearing.

Public Comments:

GUY ATWOOD referred to the deficit the City is facing, believed it would be helpful for the community to know what the proposed deficit was and to what degree that deficit may or may not have been impacted by other reserve transfers from the prior year. He thanked those who spoke at the last budget hearing for their support of the roads, said that hopefully future funds will come in to be applied over the next years and if the City goes to a ballot measure, this will be less the City has to raise. He voiced concern about the $500,000 for the RDA, the $100,000 last year for the Downtown Strategic Plan, the $200,000 for CEQA and $200,000 for implementation of the downtown strategic project, and suggested waiting until the City knows what monies are needed prior to actually allocating it. He referred to long-term planning and hoped that the Council would continue to reinforce this need, and lastly, he still thinks the community should talk at length about the budget reconciliation for 2007/08.

Vice Mayor Tatzin asked staff to comment on the grant proposal the City received. Mr. Falk said the City has been designated as a priority development area last fall from ABAG and MTC. Recently, there was a competitive grant process to release funds to those cities with that designation. Staff wrote a good grant application and the total amount requested was double the amount available, so only half of the cities who applied received funding. Lafayette received a recommendation for funding which goes to a committee and then a Board for final action this week. Therefore, the Agency should receive $150,000 in PDA funding to fund the environmental documents for the Downtown Strategy.

Mayor Anderson asked to clarify the deficit, and Ms. Robinson said the City's revenues are actually decreasing year over year by about $260,000, which is exclusive of revenue from the COPS grants, or about $350,000 less in revenue than the City had last year. This combined with increased expenses does create a $500,000 deficit between the revenues coming in and expenditures. Staff was able to cover additional extraordinary expenses by the amount we had over the reserve target last year of about $800,000, so as Mr. Atwood said, she has detailed reconciliation of how all monies went from $1.8 million over to only $131,000. She said it depends on how the expenses are classified but the City is spending more money this year and is receiving less in revenue.

Mayor Anderson confirmed though that the City is not deficit-spending. Mr. Falk agreed and said the General Fund expects to receive $11.5 million in revenue in the upcoming fiscal year and requires $10 million for its operations. However, the General Fund also makes transfers to other funds for projects. Next year, the General Fund will be making extraordinary contributions to the CIP. These are policy decisions the Council has discussed at length and in many ways, Lafayette is differentiated from the State of California because it keeps a large reserve and having it allows the City to weather the dips in the economy.

He said staff does not disagree with Mr. Atwood's point that now is a good time to consider opportunities for efficiency and ensure staying within the budget and this is why staff has promoted not expanding service levels and trying to do things under contracts and other efficiencies. In December, staff will prepare its mid-year budget review and will track revenues carefully between now and then, and at that point if it appears revenues are declining at a rapid rate, staff will return to the Council and make its recommendations at that time.

Councilmember Federighi said part of the reason the revenue spending is higher is that the Council made a conscious decision to spend excess reserves over the 50% policy on roads and this is something that may not be able to be done in future years.

MARY FUCHS thanked the Council and staff for their entire work put into the budget, said she attended the workshop and referred to a $25,000 budget item for a Recreation Signboard. She contacted Acalanes High School not knowing if they still taught woodworking, learned that Bear Begelman teaches a class who agreed to get involved and have students do a number of projects, and she introduced him.

BEAR BEGELMAN, Acalanes High School, said he teaches a class called Design and Fabrication, described students' work with woodworking, wood shop, metal, welding, plasma cutting, and routers, said the class is actually a philosophy class on honor, integrity, choice, being responsible, and the machines are the tools to achieve those methods. They believe in giving back to the community, said there is a lot of community pride offered by student projects, and can try to get the materials donated and save the City $25,000. He said they would also be interested in other projects, as well.

Vice Mayor Tatzin questioned if Mr. Begelman was familiar with the City sign by Safeway and questioned if this was the type of sign the class could develop. Mr. Begelman said he was not sure, but they could provide the City with something which would get the message across.

Mayor Anderson suggested Mr. Begelman work with staff to discuss requirements for the sign, and City Manager Falk said the Parks, Recreation and Trails Director already had some email communications with Mr. Begelman and would continue in their communications.

Mayor Anderson thanked Mary Fuchs and Mr. Begelman for bringing forward the idea and offer. Vice Mayor Tatzin suggested leaving the budget as is and then adjust it as needed. Mary Fuchs announced that an audience member was willing to donate all materials and another individual came forward who said he was willing to donate the time.

SANDRA SMITH, Senior Services Commission, thanked the City Council and staff for listening to them at budget hearings and agreeing to extend hours for the senior services program. Considering the fact that the assessment will not be complete for two more years, they are very appreciative the Council is taking the action.

GEORGE BURTT referred to the $500,000 for the Downtown Strategy Plan and acknowledged that the project has a strategy, specific plan, CEQA, and implementation. He said on April 23, 2008 the Council approved an agreement with Wallace, Roberts and Todd for $468,000. A preferred concept was to be selected, developed into the strategy, and the amount does not include environmental review. They also found WRT's term ends on December 30, 2008, there were three phases included in the scope of work and said he went back and found the Council did not authorize the additional work.

Community Development Director Merideth said she was not sure what Mr. Burtt was referring to, but the Council approved the budget in 2007/08 budget for the Downtown Strategy. The City is not adding any new money to the project in terms of the preparation of the strategy, but is adding completion of the strategy that was not covered in 2008 and money for CEQA in the event the City does not get the grant. There will be implementation which the work plan identifies in terms of design standards, changes to the zoning ordinance and those kinds of things.

Mayor Anderson said Mr. Atwood has asked why we are doing the allocation now, and Ms. Merideth said this was staff's recommendation to have the entire amount out in public so the community would know what the City will be doing in this fiscal year.

Vice Mayor Tatzin questioned the budgeted amounts, and Ms. Merideth said there is $507,000 and an additional BAAQMD grant of $75,000. She said they received a proposal today for the City offices to the Library project and this amount has not come forward. Vice Mayor Tatzin said he was comfortable in drawing the distinction between setting aside monies in the budget but not authorizing staff to expend them until the projects come forward.

Mayor Anderson asked and confirmed with Ms. Merideth that the WRT contract was for $507,000, which is the original contract and since that time the Council asked Fehr and Peers to look at some additional intersections and the direction was to add those in at about $6,000 or $7,000. They also had the $75,000 grant from the BAAQMD for climate change and lastly, the Council has asked for a cost-benefit analysis as to whether it is cost effective to relocate city offices into the old library or not. Ms. Merideth said she believes this was included in the 2007/08 budget as a cost separate from WRT.

Mayor Anderson confirmed that the remaining funds will be considered for some appropriation when the City gets into the other phases of the project.

ANN BURNS congratulated the Senior Service Commissioners for taking the initiative and thinks it is great the Council was able to fund their program. She asked that if the $25,000 is not used for the sign, could the Council use it sensibly and possibly for roads or more senior service programs.

Ms. Robinson noted the $590,000 was additional money left over when the Council had allocated monies all going to the roads for a total of an additional $1.7 million which is going to the capital roads project. She said the roads it will be spent on are detailed in the staff report to year 2010.

JIM BURNS said he heard $590,000 was going to the roads and nothing happened. Next year, $720,000 was to go to the roads, which included the $590,000 left over which would make it only $130,000 being added. He believed 218 roads are not in good shape and there is only one large road the City is fixing at $118,000.

Mr. Falk said the City is concentrating its effort on the large reconstruction of Estates and Canyon Drive and is beginning the design phase for a large capital program for calendar year 2009, and the staff report articulates which roads would be covered.

Mayor Anderson closed the public hearing.

Vice Mayor Tatzin said with the State cutting back, the Council increasing fees for services and the recession, by having excess reserves the City will be able to continue all of its operating programs and continue to contribute to its capital programs. He said he was prepared to support all recommended actions, and that in addition to the revision for the senior services program funding, he believed there was general concurrence to increase the Sinking Fund amount for the Community Center from $10,000 to an additional $20,000 this year.

ACTION: It was M/S/C (Tatzin/Andersson) to adopt Resolution 2008-27 Adopting the Proposed Budget and Workplan for FY2008-2009 as amended; Adopted Resolution R2008-02 Adopting the Proposed Redevelopment Agency Budget and Workplan for FY2008-2009; and Adopted Resolution 2008-29 Adopting the Capital Improvement Program and Tentative Project Lists for 2010-2014, and approve expenditure plan for Lafayette's share of Proposition 1B Funds. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

Adjourn Joint City Council & Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the joint City Council and Redevelopment Agency and remain as the City Council. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

11. CONSENT CALENDAR

Vice Mayor Tatzin requested removal of Item J.

ACTION: It was M/S/C (Federighi/Tatzin) to approve Consent Calendar Items A, B, C, D, E, F, G, H, and I. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

A. **May 27, 2008 City Council Minutes**
Recommendation: Approve.

B. **Waive second reading and adopt Ordinance 564 amending Chapter 3-9, Gas Shut-Off Devices of the Lafayette Municipal Code (LMC) and requiring gas shut-off devices in existing residential, commercial, and industrial buildings.**
Recommendation: Waive second reading and adopt Ordinance 564.

C. **Agreement for Installation and Maintenance of Existing and New Landscaping between Michael & Kinney Edlinger and the City of Lafayette, located at 1749 Springbrook Road. APN 177-130-006**
Recommendation: Accept Agreement for Installation and Maintenance of Existing and New Landscaping and authorize the City Clerk to record.

D. **Agreement for Installation and Maintenance of Existing and New Landscaping between Evan and Amy Price and the City of Lafayette, located at 1154 Glen Road. APN 244-230-004**
Recommendation: Accept Agreement for Installation and Maintenance of Existing and New Landscaping and authorize the City Clerk to record.

E. **Parks, Trails and Recreation Five-Year Capital Improvement Plan**
Recommendation: Approve the updated Capital Improvement Plan (CIP) for the Parks, Trails and Recreation (PTR) program for FY2008/2009 through FY2012/2013.

F. **Resolution 2008-30 Requesting and Consenting to Consolidation of Elections and Setting Specifications of the Election Order**
Recommendation: Adopt Resolution 2008-30 and direct the City Clerk to forward to the Registrar of Voters, and the Board of Supervisors of Contra Costa County.

G. **Proposed Grant Application Submittals**
Recommendation: Authorize submittal of grant application.

H. **Administrative Regulation 523 – Use of Cell Phone While Operating a Motor Vehicle**
Recommendation: Approve Administrative Regulation 523.

I. **Lamorinda Spirit Van Program Update**
Recommendation: Receive and file.

Item Removed for Discussion:

J. **Water Rationing by EBMUD & Drought Response**
Recommendation: Receive and file.

Vice Mayor Tatzin said if he understands this correctly, the EBMUD guideline for water reduction goals for landscaping is 30% but in the staff report, the plan is to reduce water usage by 15%.

Public Works Director Ron Lefler said he is comfortable making the 15% reduction in water usage across the board based on past history of water usage, which is the minimum goal the City should try to accomplish. But, at the same time, the City is going to try and accomplish 30%, but it will not necessarily achieve 30% especially if EBMUD does not amend some of its current methods on how to go about the rationing. If they do it on a per meter basis, every location we have we will need to save 15-30%. He felt there was a unique opportunity to save 15% across the board if they can count the City as a whole.

Vice Mayor Tatzin questioned how hard it would be to achieve 30% reduction on a single account. Mr. Lefler said based on what the City must maintain and its history of water usage, he believed changes would need to be made to get to the 30%. Vice Mayor Tatzin voiced concern that the City is not going to achieve the same standard that residents are being asked to achieve.

Mr. Falk said he and Mr. Lefler have discussed this. His concern is that if the City were to attempt to achieve a 30% reduction and we had a hot summer, it would lose hundreds of thousands of dollars of landscaping. The City may have good rain storms in October and November and he did not believe the cut-back in this case was a good decision for the City. He understands there is sensitivity because the City is watched closely, but people understand these are public dollars invested in ball fields and soccer fields, the Council just spent several hundred thousand dollars to re-turf the Buckeye Fields, and it is not in our interest to let the landscaping die.

He discussed certain areas in town such as the Pleasant Hill Road medians between Mt. Diablo Boulevard and Olympic where there is low grade inexpensive groundcover, where if it were to die and left to grow back, the impact on the aesthetics and cost to recover it would be minimal. However, there are other places where a 30% cutback would result in a dramatic loss of investment to the City.

Mr. Lefler also referred to the control period which is averaged, and said they have already saved 8% but get no credit for it. So, he believes the City can do 15% and hope it can do more.

Councilmember Federighi questioned why the 8% would not be factored it, and Mr. Lefler said it has to do with the computation of the accounts and all of the customers they have.

Vice Mayor Tatzin discussed his experience installing sensor irrigation at his home last year which derived a significant reduction, but EBMUD simply indicated this was nice, but they still needed to reduce 19% from the average of last year including further reductions.

Mayor Anderson believed the City should definitely check its sprinkler heads as to whether water was running off onto streets and medians. Mr. Lefler agreed this is being done and said the City continues to also enforce conservation through technology and said over the last couple of years, they have cut water usage by 20%.

ACTION: It was M/S/C (Tatzin/Federighi) to receive and file the report. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Mayor Anderson reported that he, Councilmembers Federighi and Andersson and the City Clerk attended the Mayors' Conference in Pleasant Hill. County Clerk Steven Weir gave a presentation on the election process and issues involving mail-in balloting. The County Clerk's recommendation was for people to take their ballots to the poll in order to be counted because mail is not always delivered and there is the potential for fraud. He said there was also discussion about the recent election results, all-mail balloting, a combination of this, and related expenses.

13. WRITTEN COMMUNICATIONS

A. Letter from Mary Piepho, County Supervisory, District III, requesting a proclamation of support to preserve Contra Costa County's agricultural heritage and promote the health benefits of fresh produce.
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Tatzin/Federighi) to approve a proclamation of support to preserve Contra Costa County's agricultural heritage and promote the health benefits of fresh produce. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

B. Letter from Liesbet Bickett, representing CoreQuest Corporation and Contra Costa Boot Camp, requesting permission to use Lafayette Plaza each Monday, Wednesday and Friday from 9am to 10am for an exercise class.
Recommendation: Discuss and direct staff.

Liesbet Bickett, CoreQuest Corporation and Contra Costa Boot Camp, provided a brief summary of the boot camp. Mr. Falk said staff has reviewed the program, believes it is not appropriate to charge a fee and Ms. Bickett agreed to request clientele be encouraged to park on Golden Gate Way so as not to encumber the parking spaces used by Squirrel patrons.

Councilmember Federighi asked to have a review period, given the occurrences of any parking problems, and this was also agreeable to Ms. Bickett. Vice Mayor Tatzin concurred with a review and he suggested Ms. Bickett also speak with citizens along Golden Gate Way and Squirrel operators.

Mayor Anderson questioned whether an agreement was needed, and Ms. Robinson said she would ask them to add the City as additional insureds endorsement on their policy to address any liability concerns. Ms. Bickett said the City of Walnut Creek gave them a special provision to add to their policy in addition to what is normally listed on the certificate and she agreed this could be provided.

Councilmember Andersson questioned if there was a process in place for commercial use of the Plaza, and City Manager Falk said permission needs to be requested. City Attorney Subramanian confirmed with Mayor Anderson that given there are specified times and dates identified, the use could be done through reservation and approval of some sort of agreement with indemnification, and a review period to address any parking concerns.

Greg Worley, Owner, Park Theater, believes this is a great idea and offered to extend parking for employees and others.

ACTION: It was M/S/C (Tatzin/Federighi) to continue the item to June 23, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson and Federighi; Noes: None; Absent: Anduri)

14. CLOSED SESSION

The City Council adjourned to Closed Session.

A. **Conference With Legal Counsel - Existing Litigation**
(Government Code section 54956.9(a).)
David R. Bruzzone, et al. v. City of Lafayette, et al.
Contra Costa County Superior Court Case No. C02 02145
Recommendation: Discuss and direct legal counsel.

B. **Public Employee Performance Evaluation (Gov. Code section 54957)**
Title: City Manager

The City Council reconvened the regular meeting and Mayor Anderson reported that no action was taken in Closed Session.

15. ADJOURNMENT

The Council adjourned at 9:15 p.m. to the next regularly scheduled meeting on Monday, June 23, 2008.

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk